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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,540	12/04/2000	Perry G. Vincent	8808	4786

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EXAMINER

JEANTY, ROMAIN

ART UNIT PAPER NUMBER

3623

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/729,540	<b>Applicant(s)</b> VINCENT, PERRY G.	
	<b>Examiner</b> Romain Jeanty	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2004 and 21 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Detailed Action**

1. This Office action is in response to the communication received on September 7, 2004 and March 21, 2005. Claims 1-21 are pending in the application.
2. Applicant's response filed on March 21, 2005 has been considered and entered.

### **Response to Arguments**

3. Applicant's arguments filed September 04, 2004 have been fully considered but they are not persuasive.

### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 5-8, 11, 13-14, 16-18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melchione (U.S. Patent No. 5,966,695 ) in view of Kolawa et al (U.S. Patent No. 6,370,513).

As per claims 1, 5-8, 11, 13-14, 16-18, 21, Melchione et al disclose sales and marketing support system using a graphical query prospect database comprising:

identifying a set of products for a sales campaign (See figure 1A; col. 14, lines 33-36);

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identifying one or more relationships between products within said set of products (col. 9, lines 13-29);

Melchione et al fail to explicitly disclose representing each product from within said set by a distinct image in a graphical display, and visually distinguishing between said distinct product images in said graphical display. Kolawa discloses a method for recommending items to users having a graphical display and images of the product (col. 7, lines 28-37). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the product display of Kolawa et al into the disclosure of Melchione et al in order to better display the product information to a user, assist customer service, and identifying sales target.

As per claim 2, Melchione et al further disclose identifying one or more relationships between said products includes distinguishing from within said product set, products owned by said customer (col. 9, lines 13-29).

As per claims 3, and 4, Melchione et al disclose identifying one or more demographic factors associated with said customer (col. 5, lines 1-5), determining a propensity of said customer to purchase each of one or more unowned products in said product set from said one or more demographic factors (col. 43, lines 5-16), and using said determined purchase propensity to distinguish between said product images in said graphical display would have been obvious to a person of ordinary skill in the art in order to efficiently display the product information to a user, assist customer service, and identifying sales target.

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As per claims 9, 15, and 19, Melchione et al further disclose the idea of herein said product images are arranged in a first dimension according to cross-sell potential and in a second dimension according to up-sell potential (col. 41, lines 42-53).

As per claims 10, 12, and 20-21, the combination of Melchione et al and Kolawa et al does not disclose launching a sales script for said customer service representative corresponding to said selected product image. Launching a sales script is old and well known in the electronic commerce art to have been used to allow a customer to purchase a product. It would have been obvious to a person of ordinary skill in the art to incorporate a sales script in the disclosures of Melchione et al and Kolawa et al in order to allow the customer targeted sales product.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Melchione U.S. Patent No. 5,966,695) in view of Kolawa et al (U.S. Patent No. 6,370,513 (U.S. Patent No. 6,595,417) as applied to claim 1 above and further in view of Fisher (U.S. Patent No. 6,331,858).

As per claim 8, the combination of Melchione et al and Kolawa et al does not explicitly disclose mapping each of said product images into a two-dimensional graphical display according to one or more inter-product relationships. Fisher in the same field of endeavor, teaches the idea of mapping product in two-dimensional display (col. 1, line 66 through col. 2 line 11 and col. 4, lines 4-46). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the disclosures of Melchione et al and Kolawa et al to incorporate the mapping of the product into two-dimensional display as taught by Fisher with the motivation to allow a user to see directly and realistically any or all of the different combinations of product.

### Remarks

7. Applicant asserted that it is believed that claims 1-7 and 10-21 should have been stated that claims 1-7 and 10-21 stand rejected under 35 U.S.C. 103 under Melchione in view of Kolawa. In response, the examiner agrees with applicant's assertion, and that claims 1-7 and 10-21 were rejected over Melchione and Kolawa.

Furthermore, applicant asserted that Melchione and Kolowa do not teach the claimed invention. Applicant further supported his assertion by arguing that no where in the Melchione reference discloses the steps of identifying a set of products for a sales campaign and identifying one or more relationship between the products within said set of products. In response, the examiner respectfully disagrees with applicant's arguments because Melchione teaches a table containing product information and a relationship table containing the product information and the customer. Note col. 19 line 39 through col. 20 line 49 of Melchione.

### Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 12, 2005

A handwritten signature in black ink, reading "Romain Jeanty". The signature is stylized with a large, looping "R" and a cursive "Jeanty".

Romain Jeanty

Primary Examiner

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